IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10-09-2007

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.29545 of 2006 in
O.A.No.2205 of 1996

S.Pitchairathinam .. Petitioner.

Versus

1.The Government of Tamilnadu,
rep. by its Secretary to Government,
Social Welfare Department,
Fort St. George, Madras-9.

2.Special Deputy Collector,
(Kallar Reclamation), Madurai.

3.The Director,
Most Backward Classes and Denotified
Communities Welfare, Ezhilagam, Madras-5.

4.P.Palaniappan
5.P.Raju
6.A.Murugesapandian .. Respondents.

Prayer: Petition filed to call for the records and quash the impugned proceedings of the 3rd respondent herein in Roc.No.B-1/16643/93 dated 31.08.1994 in so far as the respondents 4 to 6 are herein concerned (whose names have been listed in item No.1, Serial Nos.ii, iv and v) and to direct the 3rd respondent herein to consider and promote the applicant herein as the Headmaster in Higher Secondary School in any of the School run by the 3rd respondent, which is under the control of the 2nd respondent.

For Petitioner : Mr.V.Selvanayagam

For Respondents : Mr.A.Arumugam
Additional Government Pleader (R1 to R3)

No Appearance (R4 to R6)

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

ORDER

Heard Mr.V.Selvanayagam, the learned counsel appearing on behalf of the petitioner and Mr.A.Arumugam, the learned Additional Government Pleader appearing on behalf of the respondents 1 to 3.

2. The petitioner had submitted that he was appointed as a Junior cum Warden in the Boys Home Usilampatty, in the rank of graduate Teacher from 24.08.1967. The petitioner had obtained P.G. Qualification and he was working as a Post Graduate teacher from 21.09.1978 at Nattarmangalam Higher Secondary School. When the Checkkanurani High School, in which the petitioner was working, was upgraded as a Higher Secondary School, during the academic year 1980-1981, the petitioner had applied for appointment of Head master of the Higher Secondary School, as he was the senior most and a qualified candidate for such appointment. However, without assigning any reason, another person, who was working as Head Master in the High School, had been transferred and posted as the Head Master of the Checkkanurani Higher Secondary School in which the petitioner was working. Similarly, when the Rajadhani High School was upgraded during the academic year 1986-1987 as Higher Secondary School, the petitioner had made an application requesting the second and third respondents to promote and appoint him as the Head Master of the Checkkanurani Higher Secondary School. Once again his request was turned down and the person, who is junior to him had been transferred and posted as Head Master of the Higher Secondary School. Similarly, the petitioner's request had not been considered by the respondents for appointment as Head Master, even though the petitioner had been fully qualified for the said post. Therefore, the petitioner had challenged the order passed by the third respondent, dated 31.08.1994, in R.O.C.No.B-1/16643/93 and had prayed for a suitable direction, to consider and promote the petitioner as Head Master in any of the Higher Secondary Schools run by the third respondent under the control of the second respondent.

3. In the reply affidavit filed on behalf of the respondents 1 to 3, it has been stated as follows:

> "As the applicant has not passed the requisite qualification before 1.3.93 he is not qualified to be included in the panel. The panel for the year 1994-95 was not drawn due to administrative reasons. Further, now the petitioner has passed the requisite qualification, his name has been recommended for the inclusion of the list of Headmaster, Higher Secondary School for the year 1995-1996."

4. The learned counsel appearing for the respondents 1 to 3 had submitted that the petitioner had been qualified and that his name had been recommended for inclusion as Headmaster in the Higher Secondary School for the year 1995-96. It is further submitted that the petitioner was not granted the post of Head Master, in view of the pendency of the

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

application in O.A.No.2205 of 1996, now re-numbered as W.P.29545 of 2006. In such circumstances, the petitioner had been eligible to be appointed as Head Master with the proper scale of pay from the year 1995-1996. It is submitted that the panel for the year 1994-1995 had not been drawn due to administrative reasons. It is submitted that the petitioner would be eligible for the monetary benefits due to the post of Head Master from the year 1995-1996 and such notional calculation of the monetary benefits would be calculated and granted to the petitioner till his date of superannuation.

5. On such submissions being made, the third respondent is directed to calculate the monetary benefits that would be notionally due to the petitioner and submit his report to the first respondent for his due consideration, within four weeks from the date of receipt of a copy of this order. On receipt of such report, the first respondent is to pass appropriate orders thereon, on merits and in accordance with law, within a period of eight weeks thereafter.

The writ petition is ordered accordingly. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

csh

To

The Secretary to Government,
Government of Tamilnadu,
Social Welfare Department,
Fort St. George, Madras-9.

2.Special Deputy Collector,
(Kallar Reclamation), Madurai.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

3.The Director,
Most Backward Classes and Denotified
Communities Welfare, Ezhilagam, Madras-5.

1 cc To Mr.V.Selvanayagam,, Advocate, SR.56619

1 cc To The Government Pleader, SR.56531

Writ Petition No.29545 of 2006

rsn[co]
rvl/9.10.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/